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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,030	03/25/2004	Lori Greiner	47636.39.2	5806
22859 7590 01/22/2009 INTELLECTUAL PROPERTY GROUP FREDRIKSON & BYRON, P.A. 200 SOUTH SIXTH STREET SUITE 4000 MINNEAPOLIS, MN 55402				
EXAMINER				
TRAN, HANH VAN				
ART UNIT		PAPER NUMBER		
3637				
MAIL DATE		DELIVERY MODE		
01/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/809,030

**Applicant(s)**

GREINER, LORI

**Examiner**

HANH V. TRAN

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-16,52-56,81,87,89,98,106-110,112 and 113 is/are pending in the application.  
4a) Of the above claim(s) 15,16 and 52-56 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,6-14,81,87,89,98,106-110,112 and 113 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Upon further consideration, the indicated allowable subject matter of the claims in the Office action mailed on 3/17/2008 is here withdrawn. Any inconvenience is greatly regretted.

#### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-2, 6, 10, 12-13, 89 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,681,100 to Powell in view of USP 1,751,569 to Winship.

Powell discloses a jewelry storage system for storing and allowing access to and removal of jewelry pieces, comprising all the elements recited in the above listed claims, including, such as shown in Figs 3-6: a jewelry cabinet defining an interior space, the jewelry cabinet comprising: a box frame including a top wall, bottom wall, two sidewalls and a back wall; a door connected to the box frame wherein the door extends substantially from the top wall to the bottom wall; and a plurality of jewelry storage elements attached within the interior space; and a stand configured to receive the

jewelry cabinet to hold the jewelry cabinet in an upright position so that the back wall of the jewelry cabinet forms an angle  $\alpha$  from the horizontal, a mirror attached to an exterior surface of the door, an angle adjusting element configured to determine the angle of the jewelry cabinet between about 60 and 90 degrees, wherein the angle adjusting element is a peg 80 and opening system configured so that when the peg is placed into an opening 66 in one of the jewelry cabinet or stand, the peg holds the jewelry cabinet at the angle, the plurality of jewelry storage elements includes a hook bar 44, a bracelet bar 46 and a plurality of shelves 42, pouches 50 located below beneath the hook and bar. The differences being that Powell does not disclose at least one of the two sidewalls including an opening, and a peg placed in the opening in the cabinet sidewall such that the peg extends from the sidewall to rest against an exterior surface of the stand to position the cabinet so that the back wall of the cabinet is no longer substantially perpendicular to the horizontal plane but is inclined with respect to the horizontal plane, at least a portion of the interior space being lined with antitarnish cloth.

Winship discloses an alternate structure for pivoting a cabinet housing relative to a stand; wherein the housing comprises a top wall, a bottom wall, two sidewalls and a back wall, at least one of the two sidewalls comprising an opening (page 1, line 98-page 2, line 3), a stand 20 receiving the housing in a plurality of angular positions, a peg 30/31 placed in the opening in the sidewall such that the peg 30/31 extends from the sidewall of the housing and rest against an exterior surface of the stand 20 to position the housing so that the back wall of the housing is no longer substantially perpendicular to the horizontal plane but is inclined with respect to the horizontal plane, such as

shown in Figs 10-15; wherein the peg allows various adjustments of the housing relative to the horizontal plane. Therefore, it would have been obvious and well within the level of one ordinary skill in the art to modify the structure of Powell, in view of the teaching of Winship, by providing at least one of the two sidewalls including an opening, and a peg placed in the opening in the cabinet sidewall such that the peg extends from the sidewall to rest against an exterior surface of the stand to position the cabinet so that the back wall of the cabinet is no longer substantially perpendicular to the horizontal plane but is inclined with respect to the horizontal plane, such that the cabinet can be adjusted at various angles relative to the horizontal plane, as taught by Winship, since both teach alternate conventional cabinet housing structure supported by a stand, thereby providing structure as claimed. In regard to the interior space being lined with antitamish cloth, it is well known in the art that interior surface of a jewelry cabinet is lined with cloth for aesthetic purpose, and such cloth often has therein puncture holes caused jewelry over a period of time, thus renders the jewelry cabinet unappealing; therefore, it would have been obvious to modify the structure of Powell, as modified, by providing the interior surface with antitamish cloth in order to provide an aesthetically pleasing jewelry cabinet.

5. Claims 7-8, 14, 106-107, 109, and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claim 1 above, and further in view of USP 4,776,650 to Ferenzi and USP 5,511,873 to Mech.

Powell, as modified, discloses all the elements as discussed above except for (1) at least one of the plurality of jewelry storage elements is capable of being relocated

within the jewelry cabinet, (2) the bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame.

Ferenzi and Mech, both teach the idea of a jewelry storage cabinet comprising (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet. Therefore, it would have been obvious to modify the structure of Powell by having (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar being removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases

overall versatility usage of the cabinet, as taught by Ferenzi and Mech, since the references teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed.

6. Claims 9, 87 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claim 1 above, and further in view of USP 4,282,975 to Ovadia.

Powell, as modified, discloses all the elements as discussed above except for the bracelet bar being removably attached to the interior surface of the door by at least one magnet, and the ring storage element having a plurality of slits.

Ovadia teaches that it is well known in the art to provide a plurality of jewelry storage elements with magnets and a ring storage element having a plurality of slits in order to allow the jewelry storage elements to be used in more creative presentations. Therefore, it would have been obvious to modify the structure of Powell, as modified, by having the bracelet bar being removably attached to the interior surface of the door by at least one magnet and a ring storage element having a plurality of slits in order to allow the jewelry storage elements to be used in more creative presentations, as taught by Ovadia, since both teach alternate conventional jewelry storage elements, used for the same intended purpose, thereby providing structure as claimed.

7. Claims 11, 81, 108, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claim 1 above, and further in view of USP 4,396,240 to Henson.

Powell, as modified, discloses all the elements as discussed above except for (1) the plurality of shelves including movable dividers that divide a top surface of the shelves, (2) said plurality of earring bars disposed above the bracelet bar and attached to the interior surface via first and second vertical elements, each of the earring bars extending between the first and second vertical elements.

Henson teaches the idea of providing the interior surface of a door, such as shown in Figs 10-11, with a plurality of shelves each can have movable dividers 204 therein in order to provide various size receptacles for holding articles of different sizes, wherein the door is provided with first and second vertical elements attached thereto such that the shelves are vertically adjustable. Therefore, it would have been obvious to modify the structure of Powell, as modified, by providing (1) the plurality of shelves including movable dividers that divide a top surface of the shelves, (2) said plurality of earring bars disposed above the bracelet bar and attached to the interior surface via first and second vertical elements, each of the earring bars extending between the first and second vertical elements in order to provide various size receptacles for holding articles of different sizes, and allowing the jewelry bars to be vertically adjustable, as taught by Henson, since both teach alternate conventional housing structure having storage means provided to the interior of a door, thereby providing structure as claimed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH V. TRAN whose telephone number is (571)272-



6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT  
January 17, 2009

/Hanh V. Tran/  
Primary Examiner, Art Unit 3637